

GENEVIEVE L. SHARP, )  
)  
Plaintiffs, )  
)  
vs. ) Case No. 2:05CV00045 ERW  
)  
JACOB C. KORNBRUST, et al., )  
)  
Defendants. )

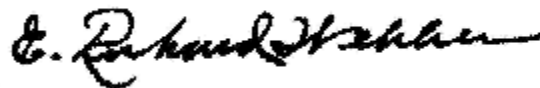
Pursuant to Rule 41(b), a case may be dismissed “[f]or failure of the plaintiff to prosecute or to comply with [the Federal Rules of Civil Procedure] or any order of court.” Fed. R. Civ. P. 41(b). Importantly, because dismissal with prejudice is an extreme sanction, it should be used only in cases of wilful disobedience of a court order or in cases of persistent failures to prosecute a complaint, and “the sanction imposed by the district court must be proportionate to the litigant’s transgression.” *Rodgers v. The Univ. of Missouri*, 135 F.3d 1216, 1219 (8th Cir. 1998). Moreover, “the district court need not [find] that [the litigant] acted in bad faith, only that he acted intentionally as opposed to accidentally or involuntarily.” *Id.*

Plaintiff has failed to prosecute this case by failing to comply with this Court's Orders to appear in Court; failing to file coherent responses, based upon the law, to pending motions; and repeatedly failing to appear or cooperate with opposing counsel for mediation, depositions, production of documents and answering of interrogatories. For all of these reasons, Plaintiff's Complaint will be dismissed.

**IT IS HEREBY ORDERED** that Plaintiff's Complaint against all Defendants for failure to prosecute and failure to comply with Court Orders is **DISMISSED, with prejudice**. Plaintiff's Motion for Protective Order [doc. #51] is **DENIED, as moot**.

**IT IS FURTHER ORDERED** that Defendants' Motion for Sanctions [doc. #39] is **GRANTED**. Defendants may file a Motion for Attorney Fees incurred in this action no later than **December 18, 2006**. Plaintiffs may file any objections to the reasonableness of those fees **within fourteen (14) days thereafter**. Thereafter, the Court will enter an Order awarding those fees deemed by the Court to be reasonable.

Dated this 29th day of November, 2006.



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E. RICHARD WEBBER  
UNITED STATES DISTRICT JUDGE